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On 13 Feb. 2007

TOWNSEND and TOWNSEND and CREW LLP

By: Malinda Deft

PATENT

Attorney Docket No.: 023070-144900US

Client Ref. No.: 2004-052

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Stephen R. Spindler and Joseph M.
Dhahbi

Application No.: 10/622,160

Filed: July 16, 2003

For: METHODS OF EVALUATING
THE DYNAMICS OF CALORIC
RESTRICTION AND IDENTIFYING
CALORIC RESTRICTION MIMETICS

Customer No.: 20350

Confirmation No. 1905

Examiner: Dameron Jones

Group Art Unit: 1618

RESPONSE TO RESTRICTION
REQUIREMENT

Mail Stop Amendment
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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed October 16, 2006, please enter the following remarks. Enclosed herewith is a petition with fee authorization for a three-month extension of time.

First, the Office Action alleges that Applicants were not fully responsive to the restriction requirement set forth in the previous Office Action. However, Applicants were asked to elect, among others, a species of "candidate intervention" (not a specific test compound) and a species of "effects being compared within the two groups" (not a specific gene). Appropriate

elections were made in response to the species as defined. Applicants respectfully request that should any additional species elections be required, the Examiner fully articulate the species.

In response to the species election requirement in the current Office Action, Applicants elect metformin as a test compound and N-sulfotransferase (Table 4) as the gene for which expression is to be analyzed.

In response to the restriction requirement in the previous Office Action, Applicants elected, with traverse, Group VI, claims 48-56. The claims of the elected group that read on the species elected herein are claims 48-56.

This species election is made with traverse. Applicants' invention is based, in part, on the discovery that calorie restriction leads to changes in patterns of gene expression and that such patterns of expression can be used to identify interventions that mimic the effects of calorie restriction. Accordingly, examination of the application only as it relates to the elected species, *e.g.*, metformin or N-sulfotransferase, does not provide for proper examination of Applicants' invention (*see, e.g.*, claims 54 and 55, which relate to comparing gene expression levels of a plurality of genes).

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Jean M. Lockyer
Reg. No. 44,879

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
JML:jml
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